

MONTANA LEGISLATIVE HISTORY

Chapter 192 19 85

Bill H 227 S _____ Original bill & history ☒ c

H. Committee on State Admin

S. Committee on State Admin

Hearing Date(s) Jan 24 ☒ c

Hearing Date(s) Mar 8 ☒ c

_____ c

_____ c

_____ c

_____ c

_____ c

_____ c

Date Out Jan 24 ☒ c

Mar 12 ☒

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HOUSE FINAL STATUS

1/26 BILL KILLED

HB 227 INTRODUCED BY WINSLOW, SCHULTZ, ET AL.
NO SOLICITATION OF INFO. WITHIN POLLING PLACE AS TO
HOW ELECTOR VOTED

1/17	INTRODUCED		
1/17	REFERRED TO STATE ADMINISTRATION		
1/24	HEARING		
1/25	COMMITTEE REPORT-BILL PASS AS AMENDED		
1/26	2ND READING PASS	87	1
1/29	3RD READING PASS	97	3

	TRANSMITTED TO SENATE		
1/30	REFERRED TO STATE ADMINISTRATION		
3/08	HEARING		
3/12	COMMITTEE REPORT-BILL CONCURRED		
3/15	2ND READING CONCURRED	44	4
3/18	3RD READING CONCURRED	42	7

RETURNED TO HOUSE
3/23 SIGNED BY SPEAKER
3/23 SIGNED BY PRESIDENT

3/25 TRANSMITTED TO GOVERNOR
3/26 SIGNED BY GOVERNOR
CHAPTER NUMBER 192 EFFECTIVE DATE: 10/01/85

HB 228 INTRODUCED BY WINSLOW, CHRISTIAENS, ET AL.
LIVING WILLS

1/17	INTRODUCED		
1/17	REFERRED TO HUMAN SERVICES & AGING		
1/23	HEARING		
1/30	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/02	2ND READING PASS AS AMENDED	93	2
2/04	3RD READING PASS	97	3

	TRANSMITTED TO SENATE		
2/07	REFERRED TO PUBLIC HEALTH, WELFARE & SAFETY		
3/18	HEARING		
3/23	COMMITTEE REPORT-BILL CONCURRED		
3/27	2ND READING CONCURRED	50	0
3/29	3RD READING CONCURRED	49	0

RETURNED TO HOUSE
4/04 SIGNED BY SPEAKER
4/04 SIGNED BY PRESIDENT

4/04 TRANSMITTED TO GOVERNOR
4/08 SIGNED BY GOVERNOR
CHAPTER NUMBER 369 EFFECTIVE DATE: 10/01/85

HB 229 INTRODUCED BY SWIFT, THOFT, ET AL.
EXEMPT MINK UNDER 11 MONTHS OF AGE FROM TAXATION

1/17	INTRODUCED		
1/17	REFERRED TO TAXATION		
1/18	FISCAL NOTE REQUESTED		
1/25	FISCAL NOTE RECEIVED		

HOUSE BILL NO. 227

INTRODUCED BY WINSLOW, SCHULTZ, SIMON, JACK MOORE,
ELLISON, PAVLOVICH, ECK, REHBERG, REGAN, KEYSER, PHILLIPS,
MILLER, DONALDSON, NATHE, SWIFT, CHRISTIAENS, BARDANOUVE,
THOMAS, HARP, KITSELMAN, BERGENE, KEENAN, MENAHAN,
WALDRON, IVERSON, HANNAH, THOFT, DEVLIN, SWITZER,
KOLSTAD, JENKINS, RAMIREZ, COMPTON, NELSON, GILBERT,
GOULD, HARPER, ELLERD, QUILICI, ADDY, O'CONNELL,
STEPHENS, SCHYE, J. BROWN, HAND, KRUEGER, JONES,
C. SMITH, LORY, B. BROWN, BRANDEWIE, PATTERSON,
EUDAILY, H. HAMMOND, HAGER, CRIPPEN

IN THE HOUSE

January 17, 1985	Introduced and referred to Committee on State Administration.
January 25, 1985	Committee recommend bill do pass as amended. Report adopted.
	Bill printed and placed on members' desks.
January 26, 1985	Second reading, do pass.
January 28, 1985	Considered correctly engrossed.
January 29, 1985	Third reading, passed. Ayes, 97; Noes, 3.
	Transmitted to Senate.

IN THE SENATE

January 30, 1985	Introduced and referred to Committee on State Administration.
March 12, 1985	Committee recommend bill be concurred in. Report adopted.

March 14, 1985

Motion pass consideration.

March 15, 1985

Second reading, concurred in.

March 18, 1985

Third reading, concurred in.
Ayes, 42; Noes, 7.

Returned to House.

IN THE HOUSE

March 19, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

House BILL NO. 227

INTRODUCED BY

BILL FOR AN ACT ENTITLED;

WITHIN A POLLING PLACE OR A BUILDING IN WHICH AN ELECTION IS

BEING HELD OR WITHIN 200 FEET THEREOF FROM SOLICITING

INFORMATION FROM ELECTORS AS TO HOW THEY VOTED ON CANDIDATES

OR BALLOT ISSUES; AMENDING SECTION 13-35-211, MCA

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-35-211, MCA, is amended to read:

"13-35-211. Electioneering -- soliciting information

from electors. (1) No person may do any electioneering on

election day within any polling place or any building in

which an election is being held or within 200 feet thereof

which aids or promotes the success or defeat of any

candidate or ballot issue to be voted upon at the election.

(2) No person may buy, sell, give, wear, or display at

or about the polls on an election day any badge, button, or

other insignia which is designed or tends to aid or promote

the success or defeat of any candidate or ballot issue to be

voted upon at the election.

(3) No person within a polling place or any building

in which an election is being held or within 200 feet

thereof may solicit from an elector, after he has marked his

1 ballot and returned it to an election judge, information as
 2 to whether the elector voted for or against a candidate or
 3 ballot issue."

-End-

(To be kept current -- post bills when entering being heard or leaving committee.)

Form CS-32

STATUS SHEET

Forty-Ninth LEGISLATIVE SESSION

COMMITTEE ON State Administration

BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CON- CURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CON- CURRED IN DATE
HB 197	1/15	1/22	1/22	1/22					
204	1/16	1/23 & 1/31	1/31		1/31				
216	1/16	1/24	1/24			1/24			
217	1/16	1/24	1/24	1/24					
218	1/16	1/23	1/23		1/23				
227	1/17	1/24	1/24			1/24			
243	1/18	1/29	2/13		2/13	(IN SUBCOMMITTEE)			
244	1/18	1/25	(TABLED)						
249	1/18	1/29	1/29	WITHOUT RECOMMENDATION					
257	1/18	1/25	1/25	1/25					
258	1/18	1/25	1/25			1/25			
260	1/18	1/25	1/25			1/25			
262	1/18	1/24	2/13		2/13	(IN SUBCOMMITTEE)			
266	1/19	1/30	1/30	1/30					
268	1/19	1/30	1/30	1/30					
269	1/19	1/30	1/30		1/30				

Use a separate sheet for Senate, House Bills

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

January 24, 1985

The meeting of the State Administration Committee was called to order by Chairman Walter Sales on January 24, 1985, at 9:10 a.m. in Room 317 of the State Capitol Building.

ROLL CALL: Representative Kennerly was absent; all other members were present.

HOUSE BILL NO. 146: Rep. Earl Lory spoke to the committee as sponsor of HB 146. He explained that the bill had been amended on the floor and returned to the committee subsequent to the committee's Do Not Pass recommendation. The amendments proposed give the Department of Administration the authority to delegate supervisory construction duties on a project-by-project basis only, Lory said.

Barbara Martin, a representative of the Dept. of Administration, spoke as a proponent of the bill. No opponents spoke against HB 146.

Rep. Fritz asked who the bill would benefit, and Rep. Lory told him the most frequent beneficiaries of HB 146 would be the units of the university system, the Dept. of Fish and Game and the Dept. of Military Affairs.

Rep. Lory told Rep. Jenkins that the architecture and engineering division of the Dept. of Administration would review the qualifications of local personnel when assigning authority over construction projects.

HOUSE BILL 262: Rep. Lory introduced HB 262, of which he is the sponsor. He explained that the purpose of HB 262 is to shorten the length of campaigns, and thereby prevent the electorate from boredom and apathy in elections.

Margaret Davis, a representative of the League of Women Voters of Montana (LWVMT), spoke in support of HB 262. She said her group views the measure as a means of cutting down the high cost of running for office.

HOUSE BILL 217: Rep. Moore sponsored HB 217, and introduced it in committee at the request of the Dept. of Administration.

David Ashley, representing the Dept. of Administration, spoke in support of HB 217. He said the Dept. of Military Affairs is primarily responsible for action in times of emergency and natural disaster, but the Dept. of Administration is responsible for rulemaking and payment of claims in those instances. HB 217, he said, would transfer those responsibilities to the Dept. of Military Affairs, simplifying the flow of information and the payment of claims.

Gil Gilbertson, former administrator for the Dept. of Disaster and Emergency Services, said HB 217 would make disaster services more efficient and effective.

Major Ken Cottrill, representing the Dept. of Military Affairs, spoke in support of the measure, saying it would not give that agency free use of funds but would allow more efficient use of funding authorized by the governor.

No opponents spoke against HB 217.

HOUSE BILL 227: Rep. Cal Winslow, sponsor of HB 227, spoke in support of the measure. He said the intent of the bill is to protect the sanctity of the individual's right to vote.

Margaret Davis, representing the League of Women Voters of Montana, spoke as a proponent of HB 227. She said that although the concept of exit polling is not inherently bad, the use of exit polls by major television networks to predict election returns has made some voters in western time zones feel that the importance of their votes is diminished. This, she said, is eroding the idea of the importance of every vote. A copy of her testimony is attached hereto as Exhibit 4.

Larry Akey, Chief Deputy to the Secretary of State, spoke in favor of HB 227, saying the bill would act more to protect the sanctity of the polling place than to prohibit polling for information. A copy of his statement is attached hereto as Exhibit 5.

Nancy Harte, representing the Montana Democratic Party, spoke in favor of HB 227, saying her organization supports the measure as a means of maximizing citizen participation in elections.

No opponents spoke against HB 227.

Rep. Jenkins asked Rep. Winslow if HB 227 and similar measures in other states would stop networks from making election night projections. Rep. Winslow said HB 227 would not stop such projections, it would only protect electors from questioning at the polls.

Rep. Jenkins suggested amending the bill to prohibit questioning of voters entering a polling place as well as those leaving.

Rep. Fritz asked Rep. Winslow how he responds to criticism that HB 227 denies freedom of inquiry, and was told by Rep. Winslow that voters have a right not be hassled by pollsters.

The committee then proceeded to Executive Action on the matters before it.

HOUSE BILL 146 - EXECUTIVE ACTION: Rep. Peterson moved Do Pass as Amended on HB 146. Rep. Fritz said he supports HB 146, but wondered why members of the governor's advisory committee who requested the bill did not appear on the measure.

The committee unanimously approved the amendments to HB 146, and voted on the bill as amended. The Do Pass motion was carried, with Reps. O'Connell and Pistoria dissenting.

HOUSE BILL 262 - EXECUTIVE ACTION: Chairman Sales recommended that HB 262 be put into a subcommittee pending committee receipt of related bills. The committee approved such action and Reps. Fritz, Hayne and Peterson were named to that subcommittee. Rep. Hayne will be chairman.

HOUSE BILL 216 - EXECUTIVE ACTION: The amendment proposed to HB 216 was approved, and Rep. Harbin made a Do Pass motion which was unanimously supported by the committee.

HOUSE BILL 217 - EXECUTIVE ACTION: Rep. O'Connell made a Do Pass motion on HB 217 and the attached Statement of Intent, which was approved unanimously.

HOUSE BILL 227 - EXECUTIVE ACTION: The amendment adding a prohibition of polling voters entering the polling place was approved by committee, with Rep. Fritz voting no.

Rep. O'Connell made a Do Pass motion on HB 227 as amended.

Rep. Fritz commented that he sympathizes with the intent to avoid intrusion on the voting process, but feels that pollsters have the right to question voters. He explained that voters have the right to refuse to answer any questions they object to, and that the law does not need to coddle the voters.

Rep. Phillips said that the bill will have little or no real impact on network polling practices, but is a show of displeasure by voters in the western states.

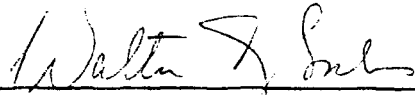
Rep. Nelson said the issue would be better addressed with a joint resolution, and Rep. Pistoria said such a resolution will be filed.

Rep. Harbin said that 23 states have similar legislation and that a general nationwide concurrence might affect polling practices.

Rep. Cody said she has heard considerable support in her district for such legislation.

The committee voted on Rep. Connell's motion to pass as amended, and supported the measure, with only Rep. Fritz voting no.

There being no further business before the committee, the meeting was adjourned at 10:45 a.m.


WALTER R. SALES, Chairman

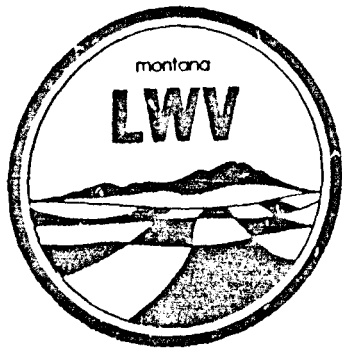


Exhibit #4
1/24/85
HB 227
State Administration
League of Women Voters of Montana
816 Flowerree
Helena, Montana 59601
24 January 85

HB 227 - Prohibiting exit polling within 200'
of a polling place or a building in which
an election is being held

The League of Women Voters supports this bill.

Exit polling is here to stay. Like a lot of other things, it is not inherently bad; but its use has been seriously abused. As westerners we know first hand the effects of early projections based on exit polls. As the polls close in the east and the networks announce their "characterizations" or pre-determined "picks," the western time zone voter feels as though his or her vote is diminished or unimportant as an expression of his or her individual politics. This eroding of the idea that everyone's vote counts equally is the most serious and disturbing consequence of using exit polls in election reporting.

The public outrage over the television reporting of the 1980 presidential race did not cause the networks to abandon the use of exit polling. Its use increased, but the data was used more artfully. Subsequent election nights have seen poll-based commentary on the closeness of races and national trends regarding party gains in Congress long before the polls have closed nationwide. This commentary, while more subtle, is still capable of driving people to or discouraging others from going to the polls.

The League has made special efforts to monitor network election reporting since 1980. We have concluded that voluntary restraint by the electronic media offers the best remedy to the overall problem of early projections.

However, here in Montana we are concerned about our citizens' ability to go to and from the polls as freely as possible. The proposed distance limits parallel those prohibiting electioneering. The League notes that "entry polling" is not covered by this bill and we would ask the committee to consider this.

As stated before, exit polling is here to stay, as are many other kinds of campaign related public opinion polls. As interesting or important as this information might be, League members do not believe it is a legitimate substitute for actual, verifiable election returns.

The only thing worse than the present use of exit poll data, which has been fairly accurate, would be the basing of election reporting on sloppy, unrepresentative exit poll data. Efforts by irked voters to mislead poll takers might only compound the mischief. HB 227 is a reasonable approach to this activity in that the voters would have both the time and the room to decide for themselves whether to participate in an exit poll.

Margaret S. Davis
Margaret S. Davis for Diane Young, president, LWVMT



SECRET BALLOT

ILLINOIS
DEMOCRATIC PRIMARY
MARCH 20, 1984



Exhibit
P. 2
1/24/85

This questionnaire is for DEMOCRATIC primary voters only.
It is a secret ballot. Please DO NOT sign your name.

PLEASE ANSWER BY MAKING AN X IN ONLY ONE OF THE BOXES FOR EACH QUESTION, UNLESS OTHERWISE INDICATED.

1. For whom did you just vote in the Democratic presidential primary?

- A ☐ John Glenn
- B ☐ Gary Hart
- C ☐ Jesse Jackson
- D ☐ George McGovern
- E ☐ Walter Mondale
- F ☐ Some other candidate
- G ☐ Didn't vote/not sure

2. Which ONE statement best describes how strongly you support the presidential candidate for whom you just voted?

- A ☐ I strongly support my choice.
- B ☐ I have reservations, but basically support him.
- C ☐ I don't like any of them, but I voted for the least objectionable candidate.

3. Voters choose their candidates at different times during an election campaign. When did you finally decide for whom you would vote in this Democratic presidential primary?

- A ☐ Today
- B ☐ Yesterday or over the weekend
- C ☐ Within the last month
- D ☐ More than a month ago
- E ☐ Not sure

4. For whom did you just vote in the Democratic senatorial primary?

- A ☐ Roland Burris
- B ☐ Philip Rock
- C ☐ Alex Seith
- D ☐ Paul Simon
- E ☐ Some other candidate
- F ☐ Didn't vote/not sure

5. For whom did you just vote in the Democratic primary for State's Attorney of Cook County?

- A ☐ Lawrence Bloom
- B ☐ Richard Daley
- C ☐ Some other candidate
- D ☐ Didn't vote for State's Attorney
- E ☐ Not sure

6. Are you...

- A ☐ White
- B ☐ Black
- C ☐ Hispanic
- D ☐ Oriental
- E ☐ Something else

7. Some people feel Walter Mondale has promised too many things to too many special interest groups. What about you? Do you agree or disagree with this view?

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

8. Which ONE statement comes closest to your feelings about Jesse Jackson?

- A ☐ I voted for Jesse Jackson because I think he can win the Democratic presidential nomination.
- B ☐ While I don't think Jesse Jackson can win the Democratic presidential nomination, I voted for him today to show my support for a black candidate.
- C ☐ I considered voting for Jesse Jackson but changed my mind.
- D ☐ I never considered voting for Jesse Jackson.
- E ☐ Not sure

9. Do you agree or disagree with the following statement: "John Glenn has not made his stands on the nation's major issues clear to me."

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

10. Do you think the voters of this country are ready to elect a black President?

- A ☐ Yes
- B ☐ No
- C ☐ Not sure

11. Which ONE statement comes closest to your feelings about Gary Hart?

(CHECK ONLY ONE)

- A ☐ I feel that Gary Hart has newer and better ideas than do the other Democratic candidates.
- B ☐ I don't feel that Gary Hart's ideas are very different from those of his opponents.
- C ☐ Gary Hart's ideas are not clear to me.
- D ☐ Not sure

12. Do you agree or disagree with the following statement: "While Jesse Jackson has made some anti-Semitic comments, his later explanations have convinced me that he doesn't really dislike Jews."

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

13. Did Mayor Harold Washington's announcement of his preference for Jesse Jackson...

- A ☐ Make you more likely to vote for Jackson
- B ☐ Make you less likely to vote for Jackson
- C ☐ Make no difference in your vote
- D ☐ Not sure

14. How effective do you think Walter Mondale would be as President?

- A ☐ Very effective
- B ☐ Somewhat effective
- C ☐ Not very effective
- D ☐ Not sure

PLEASE COMPLETE OTHER SIDE

Ex. #5
1/34/85
HB 227

TESTIMONY OF THE OFFICE OF THE SECRETARY OF STATE
HB 227

Mr. Chairman, members of the Committee, my name is Larry Akey and I'm Chief Deputy to the Secretary of State. I'm here to testify as a proponent of HB 227 which, incidentally, was signed by 56 of your fellow legislators.

HB 227 is a very uncomplicated bill. It simply seeks to amend existing state law restricting electioneering as people enter the polls to include soliciting information from electors as they leave the polling place.

HB 227 is not an "exit polling" bill. It contains no language specifically referring to that activity. Rather, it merely prohibits anyone from interrogating an elector who has cast his ballot and is in the act of leaving the polls as to whether that elector has voted for or against a candidate or ballot issue.

The restrictive perimeter around the polling place is no different than what it has been regarding electioneering since 1977 -- 200 feet.

The only purpose of HB 227 is to protect the decorum and the sanctity of the polling place for all Montanans by disallowing any individual from stopping any elector for the purpose of gathering information on how that elector voted. It's like prohibiting someone from standing right outside of the church door and asking what you prayed for.

All of you are aware of the real importance of people turning out to vote. If any of you doubt the importance of a simple vote, I'd invite you to ask Representative Garcia about it. A strong democracy requires the active participation of the American people. What we need to focus on, and commit to, is to encourage every eligible citizen to exercise his or her right to vote by ensuring that the activity is as free from hassle as possible.

The Legislature has already said it is in the state's interest to prohibit some types of activities in and around the polling place. This bill simply adds an item -- the solicitation of information on how an elector voted -- to that list of prohibited activities.

Now, one effect this bill will have is to make exit polling much more difficult and much less statistically reliable. In fact, it may make exit polls so unreliable that the networks won't be able to use them for making early projections.

Elections are news worthy events. They always have been. But now we have something called "media ratings" where major TV networks compete for first place in the ratings system. First place is awarded to the network that comes up with the news first. Now, I don't have any problem with the idea of competing for first place -- it's something all of you have gone through for the right to be here today. But, we're not talking about reporting the news. We're talking about creating the news by projecting the outcome of elections before the polls close.

In 1984, the Council of State Governments issued a report on a study that was done with regards to the 1980 early projections that Ronald Reagan had defeated Jimmy Carter nearly three hours before the polls closed on the West Coast -- two hours before the polls closed in Montana. To quote that report..."one comprehensive study of election reporting and voter turnout showed a 22 percent dropoff in expected probability of voting by eligible West Coast voters who had not yet voted when they heard that Reagan had defeated Carter. According to the Speaker of the Washington State House of Representatives, this dropoff may have affected the outcome of a U. S. Senate race and several legislative contests."

There's no intention here to prevent the media from reporting the news but we are concerned when the media creates the news -- especially when it has an impact on how we elect our government. And especially when it has the effect of telling the people their vote really doesn't count any more.

Now many of you may have heard about the recent agreement between Congressman Swift and the networks where the networks have agreed not to offer the public early projections -- but that agreement is hinged on an agreement that there will be a uniform poll closing throughout the six time zones in the United States.

We have serious problems with the "Swift agreement" -- it is always a problem when the Congress begins mixing into matters that rightfully belong to the individual states. We don't think the Federal government should be allowed to set the time for closing the polls in Montana. Despite the fact that every other year, there are from one to three federal positions on the Montana ballot, the election still belongs to the state of Montana. Jim will actively oppose any federal intervention into dictating the time for closing the polls in this state.

Moreover, uniform poll closing is not the panacea it seems to be. You can bet that if Congress sets a uniform poll closing time, they won't leave the polls on the East Coast open until 10:00 or 11:00 P.M. A good portion of the networks' viewing audience would be in bed before any results were in using that approach. Instead, you can bet, Congress would retain

an early evening poll closing on the East Coast forcing the polls out west to close earlier than they currently do. This can only serve to make voting more difficult for those of us in the western states and particularly for those whose only chance to vote comes after their work day ends.

Let me summarize. This bill is intended to protect the dignity and decorum of our polling places. If it serves to restrict exit polling and early projections, so much the better.

Other states have adopted similar legislation. In fact, 23 other states have either specific or general language that accomplish precisely what this bill seeks to accomplish. Jim intends to continue working through the National Association of Secretaries of State to encourage other states to adopt similar legislation. I earnestly solicit your support of HB 227. Thank you.

(Type in committee members' names and have 50 printed to start).

DAILY ROLL CALL

State Administration COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 1/24/85

NAME	PRESENT	ABSENT	EXCUSED
Chairman Walter Sales	✓		
V-Chairman Helen O'Connell	✓		
Campbell, Bud	✓		
Compton, Duane	✓		
Cody, Dorothy	✓		
Fritz, Harry	✓		
Garcia, Rodney	✓		
Hayne, Harriet	✓		
Harbin, Raymond	✓		
Holliday, Gay	✓		
Jenkins, Loren	✓		
Kennerly, Roland		✓	
Moore, Janet	✓		
Nelson, Richard	✓		
Peterson, Mary Lou	✓		
Phillips, John	✓		
Pistoria, Paul	✓		
Smith, Clyde	✓		

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

January 24 19 35

MR. SPEAKER:

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE Bill No. 227

FIRST reading copy (WHITE color)

AN ACT PROHIBITING SOLICITATION OF INFORMATION WITHIN A
POLLING PLACE AS TO HOW AN ELECTOR VOTED

Respectfully report as follows: That HOUSE BILL Bill No. 227

BE AMENDED AS FOLLOWS:

- 1) Title, line 7
Following: "THEY"
Insert: "INTEND TO VOTE OR HAVE"
- 2) Page 1, line 25
Following: "elector,"
Insert: "before or"
- 3) Page 2, line 2
Following: "elector"
Insert: "intends to vote or has"

AND AS AMENDED,

DO PASS

SECRETARY-PENNINGTON, GLENDA

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REFERRED TO COMM	DATE OUT
HB0153	1/28	3/07		CONCUR		3/07
BRADLEY, DOROTHY JOB-SHARING EMPLOYEE BENEFITS SAME AS PERMANENT PART-TIME EMPLOYEE						
HB0160	2/25	3/21	3/27	CONCUR AS AMENDED		3/27
GRADY, EDWARD J. FILING OF MOBILE HOME RECORDS IN SAME MANNER AS MOTOR VEHICLES						
HB0163	1/25	3/06	3/07	CONCUR		3/07
CONNELLY, MARY ELLEN ALLOW STATE TO CONTRACT FOR DATA PROCESSING MANAGEMENT SYSTEMS UP TO 10 YR						
HB0197	1/30	3/07		CONCUR		3/07
QUILICI, JOE INCREASING PENSION PAID TO VOL. FIREFIGHTER'S SPOUSE & DEPENDENT CHILDREN						
HB0216	2/04	3/08		CONCUR AS AMENDED		3/08
MOORE, JANET CLARIFYING USE OF BID SECURITY IN STATE PROCUREMENTS						
HB0217	2/04	3/08		CONCUR		3/08
MOORE, JANET TRANSFER EMERGENCY AND DISASTER RULEMAKING AUTHORITY TO MILITARY AFFAIRS						
HB0227	1/30	3/08	3/12	CONCUR		3/12
WINSLOW, CAL NO SOLICITATION OF INFO. WITHIN POLLING PLACE AS TO HOW ELECTOR VOTED						
HB0256	2/13	3/13		CONCUR		3/13
EUDAILY, RALPH S. USE OF TERMINATION PAY FOR CALCULATING BENEFITS IN TEACHERS' RET. SYSTEM						
HB0257	2/04	3/12		CONCUR		3/12
HARPER, HAL REQUIRING NAMING AND LABELING OF POLITICAL COMMITTEES						
HB0260	2/04	3/08		CONCUR AS AMENDED		3/08
BARDANOUVE, FRANCIS ALLOCATION OF PRIVATE ACTIVITY BOND AUTHORITY TO GOVERNMENTAL UNITS						
HB0274	2/18	3/18		CONCUR		3/18
HOLLIDAY, GAY REVISING SERVICE RETIREMENT PROVISIONS UNDER GAME WARDENS' RETIREMENT SYSTEM						

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 8, 1985

The thirty-eighth meeting of the State Administration was called to order at 10:00 a.m. on March 8, 1985, by Vice-Chairman Hirsch due to the fact that Chairman Haffey was delayed. The meeting was held in room 331 of the State Capitol, Helena, Montana.

ROLL CALL: Senators Hirsch, Farrell, Harding, Lynch, Manning and Mohar were present. Senators Haffey and Tveit were late. Absent were Senators Anderson and Conover.

CONSIDERATION OF HOUSE BILL 260: Representative Bardanoue introduced House Bill 260 by saying that this is a bill that allocates the revenue bonds that are allowed through Montana. In the Reform Act of 1984 it allocates the amount of revenue bonds that can be used. The federal government is losing interest on the exempt bonds, so in order to keep the loss of interest down as much as possible they allocated a proportion amount all across America, and Montana has \$200,000,000 allocation. 40% of the allocation will go to government units like the agricultural program and the Department of Commerce program and the Department of Natural Resources and the Montana Higher Education bond. There has been a hassle about how it has been allocated and this bill will give 40% to the government and 60% will go throughout Montana. The government issued an executive order a year ago and we are operating on that but this will not be a mandate. Housing bonds nor medical facility bonds are included in this. The Department of Administration will allocate these bonds. If an allocation is not used it will go back into a pool and it will go someplace else.

PROPONENTS: Ellen Feaver, Department of Administration, testified that she supported this bill on behalf of the Administration. She said that each project is limited to the 15 million dollars and that limit was proposed so that one huge project would not take up a substantial portion of it. In 1985, under the executive order which matches the provisions under this bill, they have had requests for 11.15 million dollars in private activity bonds. In the last year there was a grandfather clause so there was no real pressure on the 200 million dollar limit. A number of other states have set up very elaborate procedures and some huge bureaucracy and complex documents and competitive measures for allocating state bonding authority. They were not interested in anything like that, that is why they came up with the first come first serve basis.

March 8, 1985

If they still have money remaining at the very end they will have the ability to use all their authority. The effective date is January 1, 1986.

There were no other proponents.

OPPONENTS: None

QUESTIONS OF THE COMMITTEE: Senator Hirsch asked Ellen Feaver to confirm that there was actually a \$15 million dollar cap per project unless there is a remainder. This Ellen Feaver did confirm.

There being no other questions the chairman asked Representative Bardanouve to close.

Senator Bardanouve closed in saying that the bond freebies will be running out soon and the young farmers' program will also be a victim of this. He stated that this is a simple bill and asked for the committees support and that Senator Hims1 carry the bill.

EXECUTIVE ACTION ON H.B. 260: Valencia Lane recommended the following amendment as a simple technical amendment:

Page 3, line 16.

Following: "Title"

Strike: "VI"

Insert: "VII"

Senator Manning moved the amendments. Question was called and the MOTION PASSED UNANIMOUSLY.

Senator Manning moved the H.B.260 DO PASS AS AMENDED and the MOTION PASSED UNANIMOUSLY. Senator Hims1 will carry the bill.

CONSIDERATION OF HOUSE BILL 227: Representative Calvin Winslow, District 89, Billings, Montana, presented the bill as its sponsor, and stated that this has been labeled the exit polling bill. He said that he believes that exit polling is harassment.

Representative Winslow made reference to the Reagan vs. Carter race in 1980 when the winner of this race was declared about 8:15 p.m. eastern time and Montana had about two more hours to go before the polls were closed. Representative Winslow stated that elections have become big business. Each year the candidates struggle and the sanctity of the voters is important. This bill does not out-law surveys, but prohibits polling within 200 feet of the polling place. The senior citizens have complained to him that they feel an invasion of privacy. He claimed that he has 56 signatures on the bill and could have gotten many more.

PROPOSERS: Larry Akey, Chief Deputy for the Secretary of State, testified as a proponent and presented the committee

March 8, 1985

with written testimony entered and attached as Exhibit 1.

Harriett Meloy, League of Women Voters, spoke as a proponent and presented written testimony which is entered and attached as Exhibit 2.

Senator Ethel Harding, District 25, Polson, Montana, arose to be presented as a proponent, having served as an electoral administrator. She said that after the president was announced on the radio and our polls had not even closed, she had many calls asking what could be done about this. Many people do not vote until after 5:00 p.m. Having the polls open at 7:00 a.m. has helped eliminate some of this, but there is still a problem.

There being no other proponents, opponents were called.

OPPONENTS: Gerry Loendorf of the Montana Broadcasting Company asked the committee to look at what this does. It stops people from asking someone how they voted which is a communication, thus restricts broadcasters, media or non-media. Two hundred feet restriction in Montana would make communication impossible in Montana as the voters would be in their cars and gone. He said that this would prevent the Roper Institute at the University of Connecticut from studying the election process. He asked the committee to look at some of the things the bill doesn't do; it does not prevent election polling on the polling on one issue. It does not prevent polling on employment, inflation, farm programs, etc. It does not prevent any member of the news media from photographing. This bill only prohibits the question of "how did you vote" from being asked within 200 feet of the polling place. You could not even ask a friend how he voted as you walked out together. He said that one of the questions here is whether this bill really does anything to promote and help the election process and secondly, you have the constitutional question, which he said that he does not like to bring up except that some of the information that was given by a proponent, he believes to be incorrect. He said that he always believed that freedom of speech was meant to mean all speech. When you are going to government process and elections you are going to the heart of the first amendment. He quoted an appeal case in Washington and that a decision has not been made yet, although one of the judges have already made a statement that a bill such as this is unconstitutional. He said in order to restrict speech you should show that there is a compelling state interest and if that is proven the restriction should be accomplished in the least restrictive manner possible.

Mr. Loendorf read a portion from section 13-35-218, subsection 4 and 5, and stated that this answers the prohibiting of restrictions. He said that it was proven that more people voted when the media announced who won the presidential race than in 1976 during the Ford-Carter election when the results were not known until the next morning. The University of Michigan found that 84% or 86% of the 94% of the registered people vote. This shows

March 8, 1985

the key is getting people to register.

Bob Merrill of the Montana Broadcasting Company also spoke as a proponent and stated that the constitution does indeed give us the right to bear arms and does give us the right to free speech and the bill curtails that. In reference to harassment, he said that he does not know of anyone who has complained about being harassed. It is a matter of choice because if a person is asked how they voted and they do not wish to say they have the right to say "no." The media encourages people to go to the polls and vote. ABC did know about the election results early in the afternoon but it is incorrect that they held it up for prime time ... they held it up because they had an agreement that they would not announce it so they would not hinder the voters in anyway. He said that there may be a need for a common closing time.

Bob Brand spoke as a poll interviewer and asked the committee to oppose this bill. He presented written testimony attached as Exhibit 3.

Steve Grbic stated that he is a poll watcher and felt polling is an important process. He submitted written testimony, Exhibit 4, that he read to the committee.

Jan Reagor submitted testimony and stated that this bill would not prevent early projections but it would do away with work for 35 people in Montana for a week's work. See Exhibit 5. Jan indicated that they had concerns when the election results came out early in 1980 because she had not even voted yet, she contacted Washington and Pat Williams followed up on this. Copies of letters and attachments from Pat Williams were presented to the committee and are shown as Exhibit 5(a).

Ruth Long spoke as an opponent and stated that she has done polling and agrees with the other opponents.

There were no other opponents.

QUESTIONS OF THE COMMITTEE: Senator Haffey asked if the opponents testified in the House. Representative Winslow stated that the word may not have gotten to them in time and the opponents did not show.

Senator Farrell asked if they passed this bill would it take us out of the mainstream. Representative Winslow said that it would not.

Senator Mohar asked Jan Reagor about not announcing the results until 10:00 p.m. and that congress is debating this. Ms. Reagor stated that the federal government is policing itself on this and to please give them a chance. This is an agreement between all three networks.

March 8, 1985

Senator Farrell questioned the appeal mentioned and told it was filed November 2.

Note that written testimony from R. A. Frisbey, Great Falls, Montana was submitted and entered into the record as Exhibit 6.

There were no other questions from the committee.

Representative Winslow closed on HB 227 by saying that if Montana vote is important there will be surveys...they will get it someplace and that he contends that what happens at the polling place is a discouragement to vote. Regarding Congress looking at this, it has always been an issue and Montana should be able to take care of their own. We in the western states have the most problems.

No action was taken on this bill, waiting for the committee as a whole.

CONSIDERATION OF HOUSE BILL 216: Representative Janet Moore, District 65, presented this bill to the committee as its sponsor and for State Administration. Representative Moore said that HB 216 passed out of the State Administration Committee in the House without any opposition as well as the House floor. The purpose of the bill is to allow the Department of Administration to require or not to require a bid security in the form of a bond, cashier's check or a certified check when they purchase supplies from a vendor. A written statement is shown as Exhibit

PROPOSERS: Laurie Ekanger, Administrator of the State Purchasing Division, Department of Administration, asked that the committee support the bill. She said this bill is not a change in the existing practice but is a description of the existing practice. Right now there is a description of the bidding requirements for construction projects and that is a different purchasing process. The security requirements for construction projects require bid security on each and every bid. In the service contract which is being talked about under this section of the law, they are talking about vehicles, pens, pencils as a formal cost that starts at \$2,000 and it is just not cost effective to have vendors post a security. If they back out of their contract after they bid it, they really have no loss as they go to the next low bidder. If they do this often they can be removed from the vendors list. In the House, they asked if there shouldn't be some security, that surely we wouldn't want complete discretion. They have always had complete discretion. They do require security for service contracts; they require bid security and also performance security after the bid has been let. That amendment was put in while in the House so that would require that service contract over \$10,000 would always require security.

TESTIMONY OF THE OFFICE OF THE SECRETARY OF STATE
HB 227

Mr. Chairman, members of the Committee, my name is Larry Akey and I'm Chief Deputy to the Secretary of State. I'm here to testify as a proponent of HB 227.

HB 227 is a very uncomplicated bill. It simply seeks to amend existing state law restricting electioneering around the polling place to include soliciting information from electors on how they voted.

HB 227 is not an "exit polling" bill. It contains no language specifically referring to that activity. Rather, it merely prohibits anyone from interrogating an elector as to whether that elector has voted for or against a candidate or ballot issue.

The restrictive perimeter established by HB 227 is no different than what it has been regarding electioneering since 1977 -- 200 feet.

The Legislature has already said it is in the state's interest to prohibit some types of activities in and around the polling place. This bill simply adds an item -- the solicitation of information on how an elector voted -- to that list of prohibited activities.

Now, one effect this bill will have is to make exit polling much more difficult and much less statistically reliable. In fact, it may make exit polls so unreliable that the networks won't be able to use them for making early projections.

Exit polls exist only for commercial advantage. Roone Arledge, ABC's president for news, has said, "We aren't in the business of not reporting the news." Wrong, Mr. Arledge. You're in the business of manufacturing it.

To know how specious this agreement is, consider the Arledge's acknowledgement that ABC's exit polling results called last year's presidential election by early afternoon on election day. Yet the results did not become "news" on ABC until prime time.

ABC has been lauded in some circles for promising restraint in calling the election before all the polls closed. But in fact that restraint lasted exactly thirteen minutes beyond the projection made by CBS, the network with the dubious distinction of being the first to declare President Reagan the winner.

If the network's exit-poll-based projection are truly news, why didn't ABC and NBC report the CBS projection? Why didn't CBS report the projections of the other two when they announced a few minutes later? Why did each carefully avoid mentioning the "news" as it appeared on rival networks?

The answer is that a network's projection and the exit poll results it is based on, is not news but a manufactured, proprietary commodity designed to enlarge the network's audience, prestige and advertising revenue. This is not the exercise of First Amendment rights, merely the pursuit of a higher Nielsen.

A defense that is sure to be thrown up against criticism of the networks' early projections is that only an insignificant number of voters are discouraged from voting.

In 1984, the Council of State Governments issued a report on a study that was done with regards to the 1980 early projections that Ronald Reagan had defeated Jimmy Carter nearly three hours before the polls closed on the West Coast -- two hours before the polls closed in Montana. To quote that report. . . "one comprehensive study of election reporting and voter turnout showed a 22 percent dropoff in expected probability of voting by eligible West Coast voters who had not yet voted when they heard that Reagan had defeated Carter. According to the Speaker of the Washington State House of Representatives, this dropoff may have affected the outcome of a U. S. Senate race and several legislative contests."

An analysis of the 1984 returns by the non-partisan Committee for the Study of the American Electorate found that in the 25 states where network projections preceded poll closing, 19 had lower turnout than in 1980. In the 25 states where polls closed before the first forecast, only ten reported declines.

I could cite quite a few other studies showing similar effects of early projection on voter turnout. And those arguing that early projections don't affect voter turnout can cite quite a few as well. To quote Mark Twaine, a gentleman much wiser than I, "There are lies, damn lies and statistics."

The point here is not whose studies stack up the highest. To discourage even one voter from going to the polls diminishes the spirit of democracy. And I'd simply invite you to ask Senator Pinsonneault or Representatives Garcia and Mercer about the significance of a handful of votes.

Let me briefly touch on another point. Some of you may have received letters from Bob Merrill at KULR TV equating passage of this bill with gun control, arguing that both are unconstitutional.

I'm always reluctant to project how the courts will find in any particular case. But in this instance, we do have some indication. In 1983, the Legislature in Washington state adopted a law specifically banning exit polling within 300 feet of a polling place. Please remember that 277 does not specifically mention exit polling and that the restrictive perimeter here is 200 feet.

The networks immediately challenged this Washington law in U. S. district court. The district court judge ruled in favor of the state. The networks appealed to the Ninth Circuit Court. Looking at the networks' appeal is really instructive.

They basically concede that it is a legitimate exercise of the state's police power to protect the decorum of the polling place. They even concede that the state can constitutionally ban exit polling in order to do that.

Their only challenge to the Washington law is that it is too restrictive -- claiming the state doesn't need to extend the boundaries around the polling place to 300 feet in order to exercise its legitimate police power -- and not restrictive enough -- claiming that the Washington law discriminates by only banning exit polls, while allowing other types of potentially equally descriptive journalistic activity. HB 227 addresses both of these concerns.

We believe HB 227 would stand up to a constitutional test.

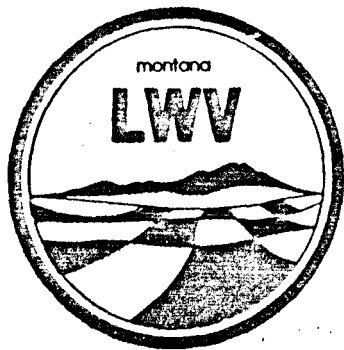
Now many of you may have heard about the recent agreement between Congressman Swift and the networks where the networks have agreed not to make early projections -- but that agreement is hinged on Congressional adoption of uniform poll closing throughout the six time zones in the United States.

We have serious problems with the "Swift agreement" -- it is always a problem when the Congress begins mixing into matters that rightfully belong to the individual states. We don't think it is the proper role of the Federal government to set the time for closing the polls in Montana. Despite the fact that every other year, there are from one to three federal positions on the Montana ballot, the election still belongs to the state of Montana. Jim will actively oppose any federal intervention into dictating the time for opening or closing the polls in this state.

Moreover, uniform poll closing is not the panacea it seems to be. You can bet that if Congress sets a uniform poll closing time, they won't leave the polls on the East Coast open until 10:00 or 11:00 P.M. A good portion of the networks' viewing audience would be in bed before any results were in using that approach. Instead, you can bet, Congress would retain an early evening poll closing on the East Coast forcing the polls out west to close earlier than they currently do. This can only serve to make voting more difficult for those of us in the western states and particularly for those whose only chance to vote comes after their work day ends.

Let me summarize. This bill is intended to protect the dignity and decorum of our polling places. If it serves to restrict exit polling and early projections, so much the better.

Other states have adopted similar legislation. In fact, 23 other states have either specific or general language that accomplish precisely what this bill seeks to accomplish. Jim intends to continue working through the National Association of Secretaries of State to encourage other states to adopt similar legislation. I earnestly solicit your support of HB 227. Thank you.



League of Women Voters of Montana

Senate committee hearing

1

HB 227 - Prohibiting the solicitation of information from electors as to how they intend to vote or have voted on candidate or ballot issues.

The League of Women Voters supports HB 227.

Just as the state of Montana has restricted electioneering in and near polling places, so it is in the best interest of Montana voters that information pollsters be regulated in a similar fashion.

Exit polling has become a media tool for calling winners and losers, predicting nationwide voting trends, and "characterizing" close races before all polls have closed. Because of these uses of the poll data, the western time zone voter can feel as though his or her vote is diminished or unimportant as an expression of his or her individual politics. The idea that everyone's vote counts equally has been eroded by past misuse and overuse of this data in election reporting.

HB 227 would insure the voters' ability to go to and from the polling place as freely as possible. Participation in such polling could still take place beyond the 200' limit, but such activity could no longer be confused with the actual voting process.

Exit polling, like many other kinds of campaign-related, public opinion polls provides a great deal of valuable information. However, League members do not believe it is an adequate substitute for election returns in reporting campaign results.

The League asks that HB 227 receive a strong "Do Pass" recommendation from this committee.

Testimony prepared by Margaret S. Davis
816 Flowerree, Helena, Montana 59601



SECRET BALLOT

ILLINOIS
DEMOCRATIC PRIMARY
MARCH 20, 1984



This questionnaire is for DEMOCRATIC primary voters only.
It is a secret ballot. Please DO NOT sign your name.

PLEASE ANSWER BY MAKING AN X IN ONLY ONE OF THE BOXES FOR EACH QUESTION, UNLESS OTHERWISE INDICATED.

1. For whom did you just vote in the Democratic presidential primary?

- A ☐ John Glenn
- B ☐ Gary Hart
- C ☐ Jesse Jackson
- D ☐ George McGovern
- E ☐ Walter Mondale
- F ☐ Some other candidate
- G ☐ Didn't vote/not sure

2. Which ONE statement best describes how strongly you support the presidential candidate for whom you just voted?

- A ☐ I strongly support my choice.
- B ☐ I have reservations, but basically support him.
- C ☐ I don't like any of them, but I voted for the least objectionable candidate.

3. Voters choose their candidates at different times during an election campaign. When did you finally decide for whom you would vote in this Democratic presidential primary?

- A ☐ Today
- B ☐ Yesterday or over the weekend
- C ☐ Within the last month
- D ☐ More than a month ago
- E ☐ Not sure

4. For whom did you just vote in the Democratic senatorial primary?

- A ☐ Roland Burris
- B ☐ Philip Rock
- C ☐ Alex Seith
- D ☐ Paul Simon
- E ☐ Some other candidate
- F ☐ Didn't vote/not sure

5. For whom did you just vote in the Democratic primary for State's Attorney of Cook County?

- A ☐ Lawrence Bloom
- B ☐ Richard Daley
- C ☐ Some other candidate
- D ☐ Didn't vote for State's Attorney
- E ☐ Not sure

6. Are you...

- A ☐ White
- B ☐ Black
- C ☐ Hispanic
- D ☐ Oriental
- E ☐ Something else

7. Some people feel Walter Mondale has promised too many things to too many special interest groups. What about you? Do you agree or disagree with this view?

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

8. Which ONE statement comes closest to your feelings about Jesse Jackson?

- A ☐ I voted for Jesse Jackson because I think he can win the Democratic presidential nomination.
- B ☐ While I don't think Jesse Jackson can win the Democratic presidential nomination, I voted for him today to show my support for a black candidate.
- C ☐ I considered voting for Jesse Jackson but changed my mind.
- D ☐ I never considered voting for Jesse Jackson.
- E ☐ Not sure

9. Do you agree or disagree with the following statement: "John Glenn has not made his stands on the nation's major issues clear to me."

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

10. Do you think the voters of this country are ready to elect a black President?

- A ☐ Yes
- B ☐ No
- C ☐ Not sure

11. Which ONE statement comes closest to your feelings about Gary Hart?

(CHECK ONLY ONE)

- A ☐ I feel that Gary Hart has newer and better ideas than do the other Democratic candidates.
- B ☐ I don't feel that Gary Hart's ideas are very different from those of his opponents.
- C ☐ Gary Hart's ideas are not clear to me.
- D ☐ Not sure

12. Do you agree or disagree with the following statement: "While Jesse Jackson has made some anti-Semitic comments, his later explanations have convinced me that he doesn't really dislike Jews."

- A ☐ Agree
- B ☐ Disagree
- C ☐ Not sure

13. Did Mayor Harold Washington's announcement of his preference for Jesse Jackson...

- A ☐ Make you more likely to vote for Jackson
- B ☐ Make you less likely to vote for Jackson
- C ☐ Make no difference in your vote
- D ☐ Not sure

14. How effective do you think Walter Mondale would be as President?

- A ☐ Very effective
- B ☐ Somewhat effective
- C ☐ Not very effective
- D ☐ Not sure

PLEASE COMPLETE OTHER SIDE

MR. CHAIRMAN: [unclear]

State Ad. 3/8/85
EXHIBIT 3

MY NAME IS BOB BRINE

I SPENT SEVERAL YEARS IN THE TELEVISION BUSINESS. MORE TO THE POINT,

I WAS ONE OF THE POLL INTERVIEWERS DURING THE 1984 ELECTION.

IT'S HARD TO REMEMBER AFTER THIS MUCH TIME, BUT I WOULD GUESS THAT

PERHAPS 150 PEOPLE PARTICIPATED IN THE SURVEY AT MY POLLING PLACE.

I'D ESTIMATE THAT ABOUT 85 TO 90% OF THE VOTERS I ASKED WERE WILLING

TO PARTICIPATE. I'D LIKE TO MAKE IT CLEAR THAT

~~WE~~ WE DO NOT BOTHER OR ANNOY OR TRY TO CONVINCE THE PEOPLE WHO DON'T
OR HARASS
WANT TO BE PART OF THE SURVEY.

AND I'M NOT TRYING TO CLAIM THAT IF YOU WERE TO HOLD AN ELECTION ON

THIS PARTICULAR ISSUE, 85% OF THE PEOPLE WOULD ACTUALLY SUPPORT

BROADCAST PROJECTIONS. BUT I THINK IT IS AN INDICATION OF POPULAR

FEELING THAT SUCH A LARGE PERCENTAGE OF THE VOTERS WERE WILLING TO

HELP US.

THE NETWORKS WOULDN'T BE SPENDING SUCH A LARGE AMOUNT OF MONEY ON

ELECTION POLLS IF PEOPLE DIDN'T WANT TO WATCH the results. I'M SURE

IT'S TRUE THAT THIS PROPOSED LEGISLATION COULD TAKE MONTANA OFF THE NETWORK

MAP AS FAR AS PROJECTING ELECTION RESULTS GOES: BUT, SINCE WE'RE IN

ONE OF THE LATER TIME ZONES, I CAN'T SEE THAT IT WOULD ACCOMPLISH MUCH

IN THE WAY OF THE STATED GOALS. ANY REAL RESTRAINT ON NETWORK

PROJECTIONS WILL COME FROM CO-OPERATION WITH THE BROADCASTERS, NOT FROM

LAWS THAT SOMEWHAT OBLIQUELY NIBBLE AWAY AT PART OF THE PROCESS.

THIS PROPOSED LAW WOULD REDUCE THE VALIDITY OF THE PROJECTIONS -- BUT NOT
THE PROJECTIONS THEMSELVES.

WHAT THIS BILL WOULD ALSO DO WOULD BE TO TAKE SOME INCOME MONEY AWAY FROM

A LOT OF PEOPLE WHO CAN REALLY USE IT...AND, WITH THE ECONOMY THE WAY IT

IS, I'M SURE THIS IS AS IMPORTANT A CONSIDERATION TO THE LEGISLATURE AS

IT IS TO US INDIVIDUALS.

Eight years ago, I first became involved with the political process as a poll watcher. Poll watching was a very important experience for me. I learned about the role election judges played in our electoral process.

The dedication of our election judges staying up as much as 12 hours on their feet, tallying votes and reading the ballots to a blind person in the voting booth left a lasting impression on me as to what our democracy is.

I have always felt that it's a moral obligation in our society to have a person know the issues and vote.

A democracy cannot function without the spread of new ideas and public opinions. These past three years, I have taken part in making the world a better place to live by doing survey work.

Our free enterprise system is unique because Market Research has helped industry make better goods and services. In Eastern Europe such choices and expression of opinions does not exist.

Many of you in this committee might ask: "What does this have to do with Exit Polling?" It has a lot to do with it. Studies performed such as political surveys help law makers realize what the public wants. Without having such freedom of expression, we wouldn't have a democracy. Instead, we would have the big brother in George Orwell's 1984.

During these past two elections, I have been privileged to work Exit Polls. A lot of what you are hearing today is a misunderstanding of Exit Polling.

- 1) Exit Polling is not a contest to find out who the winner is before the polls close and force the electorate from not voting.
- 2) The networks are not interested in telling people how to vote but report reasons they voted as they did.
- 3) We do not harass the public by forcing them to participate. They are invited and have the right to refuse. The choice is theirs.
- 4) We are not untrained people but trained professionals in getting people's opinions in an objective manner.

In Montana, we have a very unique situation. We're a small populated state with only four electoral votes and a time zone which puts us two hours away from the East Coast.

If the networks were just interested in numbers they would chose to ignore us. However, they don't. They're interested in what the people in the state of Montana think. Why should we be left out because of misunderstanding the method of taking Exit Polls?

This past election, the MTN network has a report as a CBS Exit Poll in Belt. The people in Belt were delighted that a major network would care about their opinions.

These people didn't feel intimidated or harassed by our interviewers. I strongly feel that the passage of this bill will forget the little people of our state and make Montana an isolated wilderness in the mainstream of American political opinions.

I have seen the results of these Exit Polls in the New York Times, U.S. News, and Time. The people of our small rural state had a chance to take part in this process. They had a chance to make their vote count twice.

This process is very unique in our American society. We have come a long way since the days of 1936, when the Literary Digest, a magazine that took one of the first polls. In this poll, it's readers selected Landon by a wide majority over F.D.R. as a winner. Literary Digest went out of business a few years later.

We have come a long way in making our surveys unbiased, accurate, and meeting the demands of the American public.

As a Montanan, I trust that the Mt. legislature will consider this bill very thoroughly, and not pass something that will hamper our citizens in having a chance to express their opinions with the rest of the nation.

A free society needs public opinions to grow and form a true American government. Let's keep it that way.

Thanks for letting me share my opinion. Remember, your opinion counts!

Stevan Grbic
726 1st Ave. N.
Great Falls, MT 59401

NAME: Jan Ragan DATE: 02/02/85

ADDRESS: Route 2318

PHONE: 4536095

REPRESENTING WHOM? Self and Libertarian Human

APPEARING ON WHICH PROPOSAL: N 8227

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? 1

COMMENT: People should not have to wait to find out who has won elections. The National Government is monitoring the process because and the winners are beginning to gather themselves. Please allow this information to happen. If this bill is passed it will prevent a week's work for 35 people in Montana, across election go.

The River will subvert each village here,
and take down.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



PAT WILLIAMS
MONTANA
WESTERN DISTRICT
MAJORITY WHIP AT LARGE

WASHINGTON OFFICE:
1512 LONGWORTH BUILDING
WASHINGTON, D.C. 20515
TELEPHONE: (202) 225-3211

TOLL-FREE NUMBER
1-800-332-6177

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

COMMITTEES:
EDUCATION AND LABOR
ELEMENTARY, SECONDARY AND
VOCATIONAL EDUCATION
LABOR STANDARDS
HUMAN RESOURCES
INTERIOR
PUBLIC LANDS AND
NATIONAL PARKS
ENERGY AND ENVIRONMENT

June 16, 1982

Jan Reagor
Director
Montana SIR
902 3rd Avenue South
Great Falls, Montana 59405

Dear Jan:

Thank you for your letter about the status of my bills to change our election procedures. I'm sorry you have sent two letters and have received no response: I have your first letter in my files, but no record of subsequent correspondence.

Frankly, there has been a bit of a lull in activity on the various election reform proposals, including mine. Some hearings have been held at which various ideas have been discussed by committee members, witnesses and others. It seems to me that the leading proposal at this point is a system of same-time voting in the continental United States; no one has figured out how best to handle Hawaii and Alaska, with their enormous time difference.

I expect there might be another hearing sometime this year, but intensive consideration of the issue likely will wait until the 98th Congress. I want to assure you of one thing: I and many other of my colleagues are not going to let the issue just fade away, as it always has in the past. It now appears that the committee would prefer a voluntary action by the media. In any event, I'll keep after the issue.

Once again, I'm sorry we haven't kept in touch on this. I may not have written, but I haven't forgotten you.

Best regards.

Sincerely,

Pat Williams



COMMITTEES:
EDUCATION AND LABOR
ELEMENTARY, SECONDARY AND
VOCATIONAL EDUCATION
LABOR STANDARDS
HUMAN RESOURCES
INTERIOR
PUBLIC LANDS AND
NATIONAL PARKS
ENERGY AND ENVIRONMENT

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515

Text of letter sent to television
network executives 12-2-82

Sent to: Roone Arledge, ABC News; Van Gordon Sauter, CBS News;
and Robert Mulholland, NBC News

Shortly after the 1980 presidential election, I introduced legislation to prohibit the announcement of early projections until all polls had closed. I and many other members of Congress who introduced similar legislation pledged our best efforts to prevent a repeat of what amounts to disenfranchisement of many voters across America.

The 1982 off-year election proved only to heighten my concern. Again we saw the trend in the media toward ever more quick reporting, whether through exit polling, "quick-counting" of ballots or other methods of attempting to project the election outcome. This path clearly can lead to an ever greater voter disenfranchisement than occurred in 1980. I would like to work with you and others in the media to prevent that from happening.

I see two main problems to be resolved.

The first is something that may have to be resolved by legislation, and, in fact, has been the subject of bills I and others have introduced. It deals with the reporting of actual results from the East and projections based on those results before voting is completed in the West. Even if the media take what I think is the proper approach and not report any projections until after all the polls close, there still is the problem of reporting actual results, which can be available as much as three hours before the polls close in the West. I believe reporting of actual results does have an impact on people who have not yet voted, just as reporting of projected winners has a definite impact. Should we resolve the problem by establishing uniform nationwide poll-closing times? Should we simply require election officials to keep the results under wraps until Western polls have closed? Or can the media take steps on their own to refrain from reporting such results?

INTERMOUNTAIN SIR

Surveys • Interviews • Research

902 3rd Avenue South
Great Falls, Montana 59405

Phone 727-7050

December 14, 1982

Congressman Pat Williams
1512 Longworth Building
Washington, D. C. 20512

Dear Pat:

Thank you so much for writing about the controversy over early reporting of election results.

It may seem a coincidence, but I had planned on writing you this week in regards to how effective C B S T.V. Network was in projecting winners in Montana. I watched it very intently, due to personal reasons, and noted they waited until 8:00 P.M. Montana time to announce Senator Melcher as projected winner. I was very pleased about this, and felt it an improvement over the 1980 election. I was surprised, to say the least, that some people in Great Falls had telephoned the local T.V. Station to complain. It seems some distrust was felt that the T.V. Stations had some electronic gear hidden in the polling booths. An explanation was given the information was gathered by exit polls.

I know the exit polls were very effectively ran, people who participated in them knew it was a poll, did so voluntarily, and got to go home and see and hear the results on T.V. This was very well accepted by the respondents.

As to whether or not the other two net-works followed this pattern, I personally am not aware.

I share your concern about the next presidential election, and wonder if the net-works will resist the competition as to who can announce the projected winner first, and cause some of the same problems as the 1980 election.

From my own personal view point, I do not feel the quick projections from the exit polling, when announced at poll closing time, harms or discourages one from voting, due to the fact they have already voted. How the other residents in Montana feel I cannot say. I certainly would be most happy to take a study for you on this matter.

Congress to Debate Hours for Balloting In National Election

By REGINALD STUART

Special to The New York Times

WASHINGTON, Jan. 17 — The House Task Force on Elections will hold hearings on the merits of adopting a standard law on poll closing hours in national elections, leaders of the panel announced today.

The stage was set for the hearings, the leaders said, when news executives of all three major broadcasting networks gave written commitments not to predict election results in any state until the polls had closed. Previously, only ABC News had announced such a policy.

Last November none of the networks characterized results in the Presidential election in a state before the polls in that state closed. They often did so in the spring Presidential primaries, on the basis of questioning of voters leaving the polls. In 1980, before the polls had closed in any state, all three projected that Ronald Reagan would win.

Complaints of Impact on Vote

Many politicians and nonpartisan voter groups had complained that network coverage early on election nights influenced those who had not yet cast their ballots, and in Presidential elections often discouraged Westerners from voting at all, affecting results in local contests.

Major broadcasters are among those who assert that the problem would be solved by a law requiring polls to close simultaneously across the nation. Others, such as Representative Timo-

Continued on Page A15, Column 5

Congress to Debate Poll Closings

Continued From Page A1

thy W. Wirth, Democrat of Colorado, who is chairman of the House Subcommittee on Telecommunications, Consumer Protection and Finance, argue that more restraint by the networks would be a better answer.

Representative Al Swift, Democrat of Washington, who is chairman of the task force, and Representative Bill Thomas, Republican of California, the ranking minority party member on the panel, said they called the hearing, which may be held as soon as March, after receiving the pledges in letters from the networks.

Mr. Swift said in the news conference today that, in addition to their pledge not to project apparent winners in a state, the networks had promised not to broadcast any information from their polls of voters exiting from the booth before voting ended in each state.

But at least one network executive disagreed with that interpretation of the pledge.

Edward M. Joyce, president of CBS News, said: "What we're talking about is saying at 6:30 P.M. E.S.T., or 7 P.M., that, 'It looks like, based on our exit poll data, that a big win is in the offing for Ronald Reagan.'"

He said the network had not prom-

ised not to use other information from exit polls, such as how some demographic group was voting. It had promised only that it would not disclose the apparent result, he said.

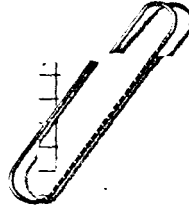
Plan Debated Earlier

The last two Congresses have debated the impact of early projections in at least five rounds of hearings. However, a standard closing law was rarely mentioned because of the absence of pledges such as those announced today.

Mr. Swift said, "We have felt that changes in our election laws, such as uniform poll closing time, to recognize the fact that this is a big country spanning several time zones, were potentially part of a solution."

"However," he said, "as long as the networks declined to provide a firm commitment not to short-circuit such a change in the law with their exit-polling data, we felt it was useless to pursue any such possibilities. But now the networks have given their word that they will not short-circuit a uniform poll closing time."

Mr. Thomas added that in addition to simultaneous poll closings, the panel would look at "any other potential changes in our current election laws that will prevent the election results from being announced before all polls close."



We Cover The Mountain West

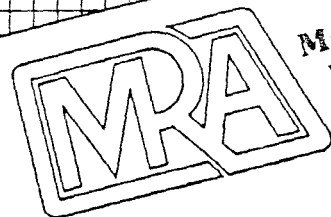
INTERMOUNTAIN SIR
SURVEYS • INTERVIEWS • RESEARCH

902 - 3rd Avenue South
Great Falls, MT 59405
(406) 727-7050

Jan Reage

Why
**do you
ask?**

**Why
should
I answer**



**Marketing
Research
Associati**

In reference to Montana House bill 227.

Given the fact that the news media has agreed to withhold the results until all poles are closed. And the fact that the Federal Government has promised to step in if they don't. It seems inappropriate for the Montana legislature to waste time on this matter.

The design of this bill is such that the legitimate gathering of appropriate news information would be impossible.

There are many Montana people who depend on these kind of jobs. Unemployment is difficult enough to find without the legislature robbing us of any more jobs.

Respectfully
R. A. Frisbey

Ralph A. Frisbey
4209 4th Ave No.
Great Falls, MT 59401

(This sheet to be used by those testifying on a bill.)

NAME: Bruce H. McLean DATE: 3/8/8

ADDRESS: 1317 - 9th Street

PHONE: 442 - 8112

REPRESENTING WHOM? League, Warren Vickers

APPEARING ON WHICH PROPOSAL: HB 227

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENT:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRET.

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date _____

NAME	PRESENT	ABSENT	EXC
SEANTOR JACK HAFLEY, Chairman		X	
SENATOR LES HIRSCH, Vice-Chairman	X		
SENATOR JOHN ANDERSON		X	
SENATOR MAX CONOVER		X	
SENATOR WILLIAM FARRELL	X		
SENATOR ETHEL HARDING	X		
SENATOR J. D. LYNCH	X		
SENATOR DICK MANNING	X		
SENATOR JOHN MOHAR	X		
SENATOR LARRY TVEIT		X	

DATE March 8, 1985

COMMITTEE ON STATE ADMINISTRATION

VISITORS' REGISTER

[illegible]

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

March 12, 1985

The fortieth meeting of the State Administration Committee was called to order by Chairman Jack Haffey, in Room 331, Capitol, at 10 a.m. on Tuesday, March 12, 1985.

ROLL CALL: All the members were present with Senator Mohar arriving late.

CONSIDERATION OF HOUSE BILL 257: Representative Hal Harper, House District 44, Helena, is the sponsor of this bill entitled, "AN ACT REQUIRING THE NAMING AND LABELING OF POLITICAL COMMITTEES." Representative Harper said that this was a bill that was presented before and killed in the last session because it was changed in the House to be too broad and thereby unworkable. Representative Harper said that this was changed on the floor of the House to include other special groups, and to include common employer groups and other special groups "if identifiable" was added by me. Representative Harper said that it is a person's right to know who is talking to them. He told the Committee about the denturists and dentists in the 1984 election using names such as concerned senior citizens, etc., when, in fact, it was made up mostly of denturists. Representative Harper told them about the amendments made on the House floor. He said that enforcement would be through the county attorney, but he did not feel that this would ever have to be enforced because first it would become political and make all the papers, and he felt the PAC's would enforce it themselves.

PROPOSERS: Julie DalSoglio, Mont PIRG, supports this bill. Ms. DalSoglio said that PAC's influence has grown since 1976. Some of Montana's PACs are allowed to exert influence upon ballot issues and contribute money to political candidates while hiding their identities behind ambiguous names and titles. She felt that PACs that either knowingly or unknowingly adopt a name that does not reflect the economic or special interests of its members could end up misleading and influencing votes. Ms. DalSoglio listed several instances where the names of PACs have been misleading. She urged the Committee to pass this bill. (See Exhibit "1".)

Jonathan Motl, Common Cause, supports this bill. Mr. Motl said PACs are a special form of creature. He felt that this is a needed reform in that it follows the reporting requirements for political action committees (PALs). Mr. Motl says this very simply requires that the PAC be named by a name that reflects the special interest of those who fund the PAC. (See Exhibit "2" attached hereto and by this reference made a part hereof.)

March 12, 1985

COMMITTEE QUESTIONS: There were no committee questions.

EXECUTIVE ACTION ON HOUSE BILL 361: Senator Conover made a motion that HOUSE BILL 361 be concurred in. Question was called and the Committee voted unanimously that HOUSE BILL 361 BE CONCURRED IN. (Senator Manning will carry this to the floor of the Senate.)

EXECUTIVE ACTION ON HOUSE BILL 227: Senator Hirsch asked if there were any amendments to this bill. Senator Haffey replied that he had received none. Senator Hirsch made a motion that HOUSE BILL 227 be concurred in. Senator Hirsch said that he felt we needed this bill. He said although it doesn't bother him to have people ask him how he voted, he has had senior citizens contact him saying that this really bothers them, and he feels that it intimidates other people. Senator Harding agreed with Senator Hirsch. She said that she had had a lot of people call her and say that because of the polls they weren't going to vote. Senator Lynch said that he didn't feel that this bill would address the problem that he has had calls regarding, which is the people with the petitions wanting your signature, at the polling places. However, he felt this bill was okay as far as it went. Senator Manning said he was going to vote for the bill. Senator Haffey said that this bill will discourage exit polling and he felt that it wouldn't solve all of the problems, but he was going to support it. Question was called, and the Committee voted unanimously that HOUSE BILL 227 BE CONCURRED IN. (Senator Tveit will carry this to the floor of the Senate.)

The meeting was adjourned at 10:52 a.m.



SENATOR JACK HAFFEY CHAIRMAN

ROLL CALL

STATE ADMINISTRATION

COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-16

NAME	PRESENT	ABSENT	EXCUS
SEANTOR JACK HAFHEY, Chairman	✓		
SENATOR LES HIRSCH, Vice-Chairman	✓		
SENATOR JOHN ANDERSON	✓		
SENATOR MAX CONOVER	✓		
SENATOR WILLIAM FARRELL	✓		
SENATOR ETHEL HARDING	✓		
SENATOR J. D. LYNCH	✓		
SENATOR DICK MANNING	✓		
SENATOR JOHN MOHAR	Late		✓
SENATOR LARRY TVEIT	✓		

STANDING COMMITTEE REPORT

March 12 19 85

MR. PRESIDENT

We, your committee on STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 227

third reading copy (blue)
color

(Senator Treit will carry)

NO SOLICITATION OF INFO. WITHIN POLLING PLACE AS TO HOW ELECTOR
VOTED

Respectfully report as follows: That HOUSE BILL No. 227

BE CONCURRED IN

~~DO NOT PASS~~

~~DO NOT PASS~~

Chairman.

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 227

INTRODUCED BY WINSLOW, SCHULTZ, SIMON, JACK MOORE,
ELLISON, PAVLOVICH, ECK, REHBERG, REGAN, KEYSER, PHILLIPS,
MILLER, DONALDSON, NATHE, SWIFT, CHRISTIAENS, BARDANOUVE,
THOMAS, HARP, KITSELMAN, BERGENE, KEENAN, MENAHAN,
WALDRON, IVERSON, HANNAH, THOFT, DEVLIN, SWITZER,
KOLSTAD, JENKINS, RAMIREZ, COMPTON, NELSON, GILBERT,
GOULD, HARPER, ELLERD, QUILICI, ADDY, O'CONNELL,
STEPHENS, SCHYE, J. BROWN, HAND, KRUEGER, JONES,
C. SMITH, LORY, B. BROWN, BRANDEWIE, PATTERSON,
EUDAILY, H. HAMMOND, HAGER, CRIPPEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING A PERSON
WITHIN A POLLING PLACE OR A BUILDING IN WHICH AN ELECTION IS
BEING HELD OR WITHIN 200 FEET THEREOF FROM SOLICITING
INFORMATION FROM ELECTORS AS TO HOW THEY INTEND TO VOTE OR
HAVE VOTED ON CANDIDATES OR BALLOT ISSUES; AMENDING SECTION
13-35-211, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-35-211, MCA, is amended to read:

"13-35-211. Electioneering -- soliciting information
from electors. (1) No person may do any electioneering on
election day within any polling place or any building in
which an election is being held or within 200 feet thereof,

which aids or promotes the success or defeat of any
candidate or ballot issue to be voted upon at the election.

(2) No person may buy, sell, give, wear, or display at
or about the polls on an election day any badge, button, or
other insignia which is designed or tends to aid or promote
the success or defeat of any candidate or ballot issue to be
voted upon at the election.

(3) No person within a polling place or any building
in which an election is being held or within 200 feet
thereof may solicit from an elector, BEFORE OR after he has
marked his ballot and returned it to an election judge,
information as to whether the elector INTENDS TO VOTE OR HAS
voted for or against a candidate or ballot issue."

-End-

1 HOUSE BILL NO. 227

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